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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RICHARD A. NOBLE, and CHARLENE R.
 NOBLE,

Plaintiffs,

vs.

KIEWIT PACIFIC CO., a Delaware
 corporation; LIFE INSURANCE
 COMPANY OF NORTH AMERICA, a
 Pennsylvania corporation; PETER KIEWIT
 SONS', INC. HEALTH AND WELFARE
 PLAN; PETER KIEWIT SONS', INC., a
 Delaware corporation; JOHN JANSEN, an
 individual; MICHAEL PHELPS, an
 individual; and JANE SEWELL, an
 individual

Defendants.

CASE NO. C08-00-666-BZ

DECLARATION OF LESLEY MARTIN, MD

I, Lesley Martin, declare:

1. I have personal knowledge of the matters stated in this declaration and, if called as a witness, would competently testify to them.

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1 2. I am a licensed physician specializing in oncology at John Muir Medical Center,
2 Concord Campus. I obtained my medical degree from the University of California San Francisco
3 School of Medicine in 2000 and received my medical license with the Medical Board of California
4 on December 19, 2001.

5 3. Richard Noble is my patient. Mr. Noble was originally admitted to the John Muir
6 cancer center in 2000. I have been treating Mr. Noble since November 2007.

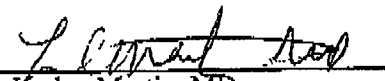
7 4. Mr. Noble suffers from an advanced terminal form of cancer known as metastatic
8 carcinoid which has spread throughout his body. In December 2007, he was admitted to the John
9 Muir hospital as a result of his condition. He was treated for abdominal pain, progressive shortness
10 of breath, and there was difficulty with confusion. That said, Mr. Noble's condition stabilized and he
11 was ultimately released under Hospice care.

12 5. While it is difficult to predict with accuracy how long Mr. Noble will survive, his
13 condition is terminal and deteriorating. As Mr. Noble's condition deteriorates, he will experience
14 more pain which will require increased levels of pain medications. And while those medications may
15 ease his pain, they will impair his level of coherence.

16 6. I have been informed that Mr. Noble is a party to a lawsuit and is expected to be
17 subjected to a legal proceeding known as a deposition at which Mr. Noble will need to respond to
18 questions about various subject matters. In my professional opinion, if such a proceeding is to take
19 place, it should happen as soon as possible. Accordingly, if Mr. Noble is expected to remain lucid for
20 his deposition, I would strongly recommend that such a deposition take place in the next one to two
21 weeks.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct.

24 This declaration was executed on February 4, 2008 in Concord, California

25
26 
27 Lesley Martin, MD
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